

No. 11(112)-3Lab-78/9374.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Machines and Steel Tubes Corporation, 81, DLF Area, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 85 of 1978

between

SHRI BALBIR SINGH, WORKMAN AND THE MANAGEMENT OF M/S MACHINES AND  
STEEL TUBES CORPORATION, 81, DLF AREA, FARIDABAD

Present .

Shri Sushil Bhattacharia, for the workman.

Nemo, for the management.

#### AWARD

By order No. ID/FD/72-75/12556, dated 28th March, 1978, the Governor of Haryana, referred the following disputes between the management of M/s Machines and Steel Tubes Corporation, 81, DLF area, Faridabad and its workman Shri Balbir Singh to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d), sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Balbir Singh was justified and in order ?  
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. On 1st May, 1978 the workman appeared but, the management did not appear as notice was not served. Again notices were ordered to be issued to the management for 1st June, 1978. On 1st June, 1978 both the parties appeared. The representative for the management prayed for adjournment for filing written statement, which was granted subject to the payment of cost of Rs 25 only and the case was fixed for 10th July, 1978. Again on 10th July, 1978 the representative for the management did not appear. The management was proceeded against *ex parte* and the case was fixed for *ex parte* evidence of the workman. Thereafter the workman obtained three adjournments for adducing his evidence and lastly he examined himself as W.W.1. He stated that the management was not paying wages at proper time and he was raising that demand to make payment of wages at proper time. The management paid wages due in July in the month of August. When the workman went on his job on 11th August, 1977 the management terminated his services abruptly. He then made a complaint to the Labour Inspector. The Labour Inspector called the management but they did not appear there. The management did not agree to take him back on duty even before the Conciliation Officer. He tried his best to get some other job but could get none.

I believe the statement of the workman, although *ex parte* and find that the management has terminated his services without any justification.

While answering the reference, I give my award that the termination of services of the workman concerned Shri Balbir Singh was neither justified nor in order. I set aside the termination of his services by the management. The workman concerned is entitled to reinstatement with continuity of service and with full back wages.

Dated the 12th October, 1978.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 947, dated the 20th October, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.